

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

JAMES D. HUFFMAN,

Plaintiff,

v.

**AMY LINDGREN, SAMUEL ERKSINE,
CITY OF ST. HELENS,**

Defendants.

Case No. 3:21-cv-00343-AC

OPINION AND ORDER

MOSMAN, J.,

On April 18, 2022, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) [ECF 14], recommending that I grant in part and deny in part Plaintiff’s Motion to Remand [ECF 8] and grant Defendants’ Motion to Dismiss [ECF 3]. Objections were due May 2, 2022, but none were filed. Upon review, I agree with Judge Acosta.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of


the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [ECF 14] as my own opinion. I GRANT Plaintiff's Motion to Remand [ECF 8] as to Plaintiff's claims against Defendant Amy Lindgren's employment and DENY the motion as to Plaintiff's other claims. I GRANT Defendants' Motion to Dismiss [ECF 3] as to Plaintiff's remaining claims.

IT IS SO ORDERED.

DATED this 9th day of May, 2022.


MICHAEL W. MOSMAN
Senior United States District Judge